

Mar-18-04 17:14 From-LAHIVE & COCKFIELD, LLP

6177424214

T-521 P.01/20 F-909

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\* Admitted in TX only  
\*\* Admitted in CT only

## Facsimile Cover Sheet

**To:** Kathleen M. Kerr  
**Company:** U.S. Patent and Trademark Office  
**Location:** Alexandria, Virginia  
**Phone:** (571) 272-0931  
**Fax:** (571) 273-0931

**From:** Lisa M. DiRocco, Esq.  
**Phone:** (617) 227-7400  
**Fax:** (617) 742-4214  
**Case No.:** BGI-126CP

**Date:** 03/18/04

**Sent By:**

**Pages including this  
cover page:** 20

**Message:** Further to our discussion, attached please find a copy of an Amendment and Response which was filed on February 17, 2004 for the above-referenced application. Also attached is a postcard, receipt date stamped by the PTO on February 17, 2004.

*Lisa M. DiRocco*  
Lisa M. DiRocco, Esq.

The documents transmitted by this facsimile are intended for the use of the individual or the entity to which it is addressed and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of the message is not the intended recipient, or the employee or agent responsible for delivering this document to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original facsimile to us at the above address via the U.S. Postal Service. Thank you

Mar-18-04 17:14

From-LAHIVE & COCKFIELD, LLP

6177424214

T-521 P.02/20 F-909

**Atty Docket No.:** BGJ-126CP

**Inventor:** Markus Pompejus *et al*

**Application No.:** 09/602740

**Filing Date:** June 23, 2000

**Title:**

Polynucleotides Encoding A 6-Phosphogluconolactonase Polypeptide From *Corynebacterium glutamicum*

**Documents Filed:**

Transmittal (1 page)

Fee Transmittal (1 page, in duplicate)

Amendment and Response (11 pages)

Table 1. Genes in the Application (REPLACEMENT) (1 page)

Table 1. Genes in the Application (MARKED-UP VERSION) (1 page)

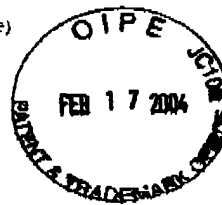
Petition for Extension of Time (Seven Months)(1 page, in duplicate)

Certificate of Mailing Under 37 CFR 1.10

Return Receipt Postcard

**Via:** Express Mail: Airbill No EV 355 388 322 US

**Sender's Initials:** LMD/EAH/jc



**Date:** February 17, 2004

PTO/SB/21 (08-03)  
Approved for use through 07/31/2006 OMB 0651-0031  
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<h2 style="margin: 0;">TRANSMITTAL FORM</h2> <p style="font-size: small; margin: 0;">(to be used for all correspondence after initial filing)</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td style="padding: 2px;">Application Number</td><td style="padding: 2px;">09/602740-Conf. #1652</td></tr> <tr><td style="padding: 2px;">Filing Date</td><td style="padding: 2px;">June 23, 2000</td></tr> <tr><td style="padding: 2px;">First Named Inventor</td><td style="padding: 2px;">Markus Pompejus</td></tr> <tr><td style="padding: 2px;">Art Unit</td><td style="padding: 2px;">1632</td></tr> <tr><td style="padding: 2px;">Examiner Name</td><td style="padding: 2px;">K. Kerr</td></tr> <tr><td style="padding: 2px;">Attorney Docket Number</td><td style="padding: 2px;">BGI-126CP</td></tr> </table>	Application Number	09/602740-Conf. #1652	Filing Date	June 23, 2000	First Named Inventor	Markus Pompejus	Art Unit	1632	Examiner Name	K. Kerr	Attorney Docket Number	BGI-126CP
Application Number	09/602740-Conf. #1652													
Filing Date	June 23, 2000													
First Named Inventor	Markus Pompejus													
Art Unit	1632													
Examiner Name	K. Kerr													
Attorney Docket Number	BGI-126CP													
Total Number of Pages in This Submission	1													

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <div style="font-size: x-small;">Under 37 CFR 1.10 Under 37 CFR</div>	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div style="border: 1px solid black; height: 20px; margin-top: 5px;"></div>	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="margin-top: 5px;">Postcard</div>
<div style="border: 1px solid black; height: 40px; margin-top: 5px;"></div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	LAHIVE & COCKFIELD, LLP Lisa M. DiRocco - 51,619
Signature	
Date	February 17, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 356 388 322 U.S., in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below

Dated February 17, 2004      Signature (Lisa M. DiRocco)

PTO/SB/22 (08-03)  
Approved for use through 7/31/2006 OMB 0451-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)</b>		Docket No. (Optional) BG-126CP
In re Application of <u>Markus Pompejus et al.</u>		
Application Number <u>09/602740-Conf #1632</u>		Filed <u>June 23, 2000</u>
For <u>Polynucleotides Encoding A 6-Phosphogluconolactonase Polypeptide From <i>Corynebacterium glutamicum</i></u>		
Art Unit <u>1652</u>	Examiner <u>K Kerr</u>	

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$ _____
<input type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$ _____
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$ _____
<input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$ <u>2,010.00</u>

☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ \_\_\_\_\_

☐ A check in the amount of the fee is enclosed

☐ Payment by credit card Form PTO-2038 is attached.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 12-0080

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor

☐ assignee of record of the entire interest. See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☐ attorney or agent of record. Registration Number \_\_\_\_\_

☒ attorney or agent under 37 CFR 1.34(a)  
Registration number if acting under 37 CFR 1.34(a) 537619

February 17, 2004  
Date

(617) 227-7400  
Telephone Number

*Lisa M. DiRocco*  
Signature

Lisa M. DiRocco  
Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) is required. Submit multiple forms if more than one signature is required. See below.

☐ Total of 1 forms are submitted.

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Dated: February 17, 2004

Signature *Lisa M. DiRocco* (Lisa M. DiRocco)

PTO/SB/17 (10-03)  
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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$)</b> 2,010.00	<b>Application Number</b>	09/602740-Conf #1652
		<b>Filing Date</b>	June 23, 2000
		<b>First Named Inventor</b>	Markus Pompejus
		<b>Examiner Name</b>	K. Kerr
		<b>Art Unit</b>	1632
		<b>Attorney Docket No.</b>	BGI-126CP

**METHOD OF PAYMENT (check all that apply)**

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number: 12-0080

Deposit Account Name: Lahive & Cockfield, LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) if any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385	Utility filing fee	
1002	2002	340	170	Design filing fee	
1003	2003	530	265	Plant filing fee	
1004	2004	770	385	Reissue filing fee	
1005	2005	180	80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>					0.00

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1202	2202	18	9	Claims in excess of 20	
1201	2201	88	43	Independent claims in excess of 3	
1203	2203	290	145	Multiple dependent claims, if not paid	
1204	2204	86	43	Reissue independent claims over original patent	
1205	2205	18	9	Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2) (\$)</b>					0.00

\*\*or number previously paid, if greater. For Reissues, see above

#### 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oam	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	1053	130	130	Non-English specification	
1812	1812	2,520	2,520	For filing a request for ex parte re-examination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	420	210	Extension for reply within second month	
1253	2253	950	475	Extension for reply within third month	
1254	2254	1,480	740	Extension for reply within fourth month	
1255	2255	2,010	1,005	Extension for reply within fifth month	2,010.00
1401	2401	330	165	Notice of Appeal	
1402	2402	330	165	Filing a brief in support of an appeal	
1403	2403	280	145	Request for oral hearing	
1451	1451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unintentional	
1453	2453	1,330	665	Petition to revive - unintentional	
1501	2501	1,330	665	Utility issue fee (or rescue)	
1502	2502	480	240	Design issue fee	
1503	2503	640	320	Plant issue fee	
1460	1460	130	130	Payments to the Commissioner	
1807	1807	50	50	Processing fee under 37 CFR 1.17(q)	
1808	1808	180	180	Submission of information Disclosure Sheet	
8021	8021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	770	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	770	385	Request for Continued Examination (RCE)	
1802	1802	900	900	Request for expedited examination of a design application	
<b>SUBTOTAL (3) (\$)</b>					2,010.00

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY**

Name (Print/Type): Lisa M. DiRocco

Signature: *Lisa M. DiRocco*

Registration No. (Inventor/Agent): 51,619

Telephone: (617) 227-7400

Date: February 17, 2004

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Signature: *Lisa M. DiRocco* (Lisa M. DiRocco)